1 2 3 4 5 6 7 8 9	Henry C. Su (SBN 211202; suh@howrey.com) Katharine L. Altemus (SBN 227080; altemusk@h HOWREY LLP 1950 University Avenue, 4th Floor East Palo Alto, California 94303 Telephone: (650) 798-3500 Facsimile: (650) 798-3600 Robert Ruyak Matthew Wolf Marc Cohn HOWREY LLP 1229 Pennsylvania Avenue, NW Washington, DC 20004 Telephone: (202) 783-0800 Facsimile: (202) 383-6610 Attorneys for Plaintiff HOLOGIC, INC., CYTYC CORPORATION and	
11	UNITED STATES	S DISTRICT COURT
12	NORTHERN DISTR	RICT OF CALIFORNIA
13	SAN FRANC	ISCO DIVISION
14	HOLOGIC, INC., CYTYC CORPORATION,	Case No. C08 00133 MEJ
15	and HOLOGIC LP,	CIVIL LOCAL RULE 79-5(B) AND (C)
16	Plaintiff,	ADMINISTRATIVE MOTION TO FILE UNDER SEAL CONFIDENTIAL PORTIONS OF BLAINTIEFS' MOTION
17	vs. SENORX, INC.,	PORTIONS OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION AND THE ENTIRE CONFIDENTIAL
18	Defendant.	SUPPORTING DECLARATION OF GLENN MAGNUSON
19		Date: March 20, 2008
20 21		Time: 10:00 am Room: Courtroom B (15 th Floor) Judge: Hon. Maria-Elena James
22		Judge. 11011. Maria-Elena James
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HOWREY LLP	Administrative Motion to File Under Seal	Case No. C08 00133 MEJ

1	PLEASE TAKE NOTICE that pursuant to Civil Local Rule 79-5(b) and (c), Plaintiffs Hologic,
2	Inc., Cytyc Corporation, And Hologic LP (Collectively, "Plaintiffs" or "Hologic") hereby move the
3	Court for an administrative order to file under seal select portions of Plaintiffs' Motion For Preliminary
4	Injunction and the entire Declaration of the Glenn Magnuson in Support of Plaintiffs' Motion For
5	Preliminary Injunction.
6	Both the Motion For Preliminary Injunction and the supporting Declaration of Glenn
7	Magnuson contain confidential Hologic business information. To date, the parties have not executed a
8	Protective Order that governs how the confidential and proprietary information produced during
9	discovery shall be treated by the parties. Accordingly, until such a Protective Order has been executed
10 11	and entered by the Court, such confidential and proprietary materials are by operation of Patent Local
12	Rule 2-2 deemed to be "Confidential-Attorneys Eyes Only" materials, unless otherwise agreed by the
13	parties. In compliance with Northern District Civil Local Rule 79-5(B) and (C), Hologic wishes to
14	withhold from the public versions of its papers that reference confidential business information.
15	For the foregoing reasons, Hologic respectfully requests that the Court enter an order allowing
16	Hologic to file under seal the entire Declaration of Glenn Magnuson In Support of Plaintiffs' Motion
17	For Preliminary Injunction, as well as designated portions of Plaintiffs' Motion For Preliminary
18	Injunction.
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2021	Dated: February 6, 2008
22	
23	By: <u>/s/</u> Katharine L. Altemus
24	Katharnic L. Attentis
25	HOWREY LLP
26	Attorneys for Plaintiffs
27	Hologic, Inc., Cytyc Corporation, and Hologic LP
28	

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8	Telephone: (202) 783-0800 Facsimile: (202) 383-6610
9	Attorneys for Plaintiff
10	HOLOGIC, INC., CYTYC CORPORATION and HOLOGIC LP
11	LIMITED STATES DISTRICT COLIDT
12	UNITED STATES DISTRICT COURT
13	NORTHERN DISTRICT OF CALIFORNIA
14	SAN FRANCISCO DIVISION
15	
16	HOLOGIC, INC., CYTYC CORPORATION, and Case No. C08-00133-MEJ
	HOLOGIC LP, DECLARATION OF KATHARINE L.
17	Plaintiffs, ALTEMUS IN SUPPORT OF PLAINTIFFS' CIVIL LOCAL RULE 79-5(B) AND (C)
18	vs.) ADMINISTRATIVE MOTION TO FILE UNDER SEAL CONFIDENTIAL
19) PORTIONS OF PLAINTIFFS' MOTION SENORX, INC.,) FOR PRELIMINARY INJUNCTION AND
20) THE ENTIRE CONFIDENTIAL Defendant.) SUPPORTING DECLARATION OF GLENN
21) MAGNUSON
22)
23) Date: March 20, 2008) Time: 10:00a.m.
24) Time: 10.00a.m.) Courtroom: B, 15 th floor
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26	I, Katharine L. Altemus, declare as follows:
27	1. I am an associate in the law firm Howrey LLP and a member of the Bar of this court,
28	and I serve as one of the outside counsel for Hologic, Inc., Cytyc Corporation and Hologic LP
	Declaration of Katharine L. Altemus Case No. C08 00133 MEJ

1	(collectively "Plaintiffs" or "Hologic"). The following declaration is based on my personal
2	knowledge, and if called upon to testify, I could and would competently testify as to the matters set
3	forth herein.
4	2, In support of Plaintiffs' Administrative Motion To File Under Seal Confidential
5	Portions Of Plaintiffs' Motion For Preliminary Injunction And The Entire Confidential Supporting
6	Declaration Of Glenn Magnuson, Hologic respectfully requests that the Confidential Version of
7	Plaintiffs' Motion For Preliminary Injunction And The Entire Confidential Supporting Declaration Of
8	Glenn Magnuson be maintained under seal.
9	3. Plaintiffs' Motion For Preliminary Injunction contains throughout its pages information
10	that is internal, confidential and sensitive to Hologic and its employees, and the unprotected
11	distribution of this transcript in its unredacted form to the general public could cause harm to Hologic
12	and its employees.
13	4. The Declaration of Glenn Magnuson In Support Of Plaintiffs' Motion for Preliminary
14	Injunction contains throughout its pages information that is internal, confidential and sensitive to
15	Hologic and its employees, and the unprotected distribution of this transcript in its unredacted form to
16	the general public could cause harm to Hologic and its employees.
17	I declare under penalty of perjury that the foregoing is true and correct.
18	
19	Dated: February 6, 2008 HOWREY LLP
20	
21	By:/s/
22	Katharine L. Altemus
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24	HOWREY LLP Attorneys for Plaintiffs
25	Hologic, Inc., Cytyc Corporation, and Hologic LP
26	and Hologic Li
27	
28	

Declaration of Katharine L. Altemus

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2 3	Henry C. Su (SBN 211202; suh@howrey.com) Katharine L. Altemus (SBN 227080; altemusk@hov HOWREY LLP 1950 University Avenue, 4th Floor East Palo Alto, California 94303 Telephone: (650) 798-3500 Facsimile: (650) 798-3600	wrey.com)
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9	Attorneys for Plaintiff	
	HOLOGIC, INC., CYTYC CORPORATION and H	OLOGIC LP
11	UNITED STATES I	DISTRICT COURT
12	NORTHERN DISTRI	CT OF CALIFORNIA
13	SAN FRANCIS	CO DIVISION
14		
15	HOLOGIC, INC.,	Case No. C08-00133-MEJ
16	CYTYC CORPORATION, and HOLOGIC LP,	PROPOSED ORDER GRANTING ORDER A INTEREST A DATABASE DATES
17	Plaintiffs,	PLAINTIFFS' ADMINISTRATIVE MOTION TO FILE UNDER SEAL CONFIDENTIAL PORTIONS OF
18 19	vs.	PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION AND THE
20	SENORX, INC.,	ENTIRE CONFIDENTIAL SUPPORTING DECLARATION OF GLENN MAGNUSON
20	Defendant.) DECLARATION OF GLENN MAGNUSON
22		Date: March 20, 2008 Time: 10:00a.m.
23		Courtroom: B, 15 th floor Judge: Hon. Maria-Elena James
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	[Proposed] Order	Case No. C08 00133 MEJ

1	[PROPOSED] ORDER
2	The Court, having considered Plaintiffs' Administrative Motion To File Under Seal
3	Confidential Portions Of Plaintiffs' Motion For Preliminary Injunction And The Entire Confidential
4	Supporting Declaration Of Glenn Magnuson, finds that good cause exists pursuant to Civil L.R. 79-5
5	for the Motion and hereby orders that the Motion is GRANTED in its entirety.
6	The clerk shall maintain under Seal the Confidential Versions Of Plaintiffs' Motion For
7	Preliminary Injunction and the Declaration of Glenn Magnuson In Support Of Plaintiffs' Motion For
8	Preliminary Injunction.
9	It is SO ORDERED.
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12	Dated:, 2008
13	Maria-Elena James United States District Court Judge
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28	[Proposed Order] 2 Case No. C08 00133 MEJ
	[Proposed Order] 2 Case No. C08 00133 MEJ

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10	Attorneys for Plaintiff HOLOGIC, INC., CYTYC CORPORATION and HOLOGIC LP	
11		
12	UNITED STATES DISTRICT COURT	
13	NORTHERN DISTRICT OF CALIFORNIA	
14	SAN FRANCISCO DIVISION	
15		
16	HOLOGIC, INC., CYTYC CORPORATION, and Case No. C08-00133-MEJ	
17	HOLOGIC LP,) PROOF OF SERVICE	
	Plaintiffs,	
18	vs.)	
19) Date: March 20, 2008 SENORX, INC.,) Time: 10:00a.m.	
20) Courtroom: B, 15 th floor Defendant.) Judge: Hon. Maria-Elena James	
21))	
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23		
24	I am employed in the County of San Francisco, State of California. I am over the age of 18 and not a party to the within action. My business address is 525 Market Street, Suite 3600, San Francisco, California 94105.	
25		
26	On February 6, 2008, I served on the interested parties in said action a true copy of:	
27	CIVIL LOCAL RULE 79-5(B) AND (C) ADMINISTRATIVE MOTION TO FILE UNDER SEAL CONFIDENTIAL PORTIONS OF PLAINTIFFS' MOTION FOR PRELIMINARY	
28	INJUNCTION AND THE ENTIRE CONFIDENTIAL SUPPORTING DECLARATION OF GLENN MAGNUSON	

Proof of Service Case No. C08 00133 MEJ

1	DECLARATION OF KATHARINE L. ALTEMUS IN SUPPORT OF PLAINTIFFS' CIVIL LOCAL RULE 79-5(B) AND (C) ADMINISTRATIVE MOTION TO FILE UNDER SEAL
2	CONFIDENTIAL PORTIONS OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION AND THE ENTIRE CONFIDENTIAL SUPPORTING DECLARATION OF
3	GLENN MAGNUSON
45	[PROPOSED] ORDER GRANTING PLAINTIFFS' ADMINISTRATIVE MOTION TO FILE UNDER SEAL CONFIDENTIAL PORTIONS OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION AND THE ENTIRE CONFIDENTIAL SUPPORTING DECLARATION OF GLENN MAGNUSON
6 7 8 9	(MAIL) I am readily familiar with this firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than 1 day after date of deposit for mailing in affidavit.
10 11	(eMAIL) I am readily familiar with this firm's practice of serving documents via electronic mail. Under that practice, today I will send via my business email address a copy of each document listed herein as an attachment to the email address(es) listed below.
12	F.T. Alexandra Mahaney WILSON SONSINI GOODRICH & ROSATI
13	12235 El Camino Real, Suite 200 San Diego, CA 92130-3002
14	Gen: 858-350-2300 Dir: 858-350-2311 Fax: 858-350-2399
15	amahaney@wsgr.com
16	I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
1718	Executed on February 6, 2008, at San Francisco, California.
19	
20	Grady Johnson
21	Grady Johnson
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Proof of Service Case No. C08 00133 MEJ